

118TH CONGRESS
2D SESSION

H. R. 8249

To strengthen the African Continental Free Trade Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2024

Mrs. CHERFILUS-McCORMICK (for herself and Mr. JACKSON of Illinois) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen the African Continental Free Trade Area,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “U.S.-Africa Strategic
5 Trade and Investment Partnership Act of 2024” or the
6 “ASTIP Act of 2024”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The Africa Continental Free Trade Area
2 (“AfCFTA”) will be the largest free trade area given
3 Africa’s current population of 1,400,000,000 people,
4 which is expected to grow to 2,500,000,000 by 2050
5 and close to 40 percent of the global population by
6 2100;

7 (2) According to the United Nations Economic
8 Commission for Africa, this single-market trade
9 agreement will enable the African economy to reach
10 the \$29 trillion mark by 2050.

11 (3) According to World Bank estimates, by
12 2035, the total gross domestic product of African
13 countries is projected to increase by
14 \$450,000,000,000 with the implementation of the
15 AfCFTA and lift 30,000,000 people in Africa out of
16 extreme poverty while boosting the wages of women
17 and unskilled workers in particular in Africa.

18 (4) According to the Brooking Institute Press
19 Book “Unlocking Africa’s Business Potential”, by
20 2050, the combined consumer and business spending
21 in Africa will exceed \$16.12 trillion.

22 (5) According to the World Bank, total
23 intracontinental exports from African countries
24 would increase by 81 percent under the AfCFTA.
25 By economic sector, the AfCFTA is expected to be

1 especially important for expanding manufacturing,
2 by increasing intracontinental manufacturing exports
3 by 110 percent, which will diversify African econo-
4 mies and decrease the reliance of such economies
5 upon extracting natural resources.

6 (6) The AfCFTA also is projected to increase
7 African manufacturing exports to the rest of the
8 world by 46 percent. As a result of the AfCFTA cre-
9 ating new commercial opportunities and diversifying
10 global supply chains, the rest of the world's gross
11 domestic product is expected to increase by
12 \$76,000,000,000.

13 **SEC. 3. STATEMENT OF POLICY.**

14 It is the policy of the United States to—

15 (1) support the African Union's Agenda 2063
16 efforts to promote regional economic development,
17 by stimulating greater trade and investment among
18 African countries and between Africa and the United
19 States;

20 (2) partner with the African Union Commission
21 and African Union entities such as the African Con-
22 tinental Free Trade Area Secretariat, African Re-
23 gional Economic Communities, and other intergov-
24 ernmental African organizations to bolster trade and
25 investment at the regional, intracontinental, and

1 international levels, and facilitate market access and
2 bilateral trade between the United States and Afri-
3 can countries;

4 (3) increase opportunities for trade and invest-
5 ment between African countries and United States
6 businesses, including those owned by members of the
7 African diaspora, women, youth and underserved
8 groups, thereby thereby contributing to potential
9 United States economic growth;

10 (4) promote the goals of the African Conti-
11 nental Free Trade Agreement signed on March 21,
12 2018, to lower trade barriers between African coun-
13 tries, expand commercial opportunities for under-
14 served groups, women, and youth entrepreneurs, and
15 attract greater foreign investment;

16 (5) improve the efficacy, efficiency, and coordi-
17 nation of United States development aid and tech-
18 nical assistance, focusing on trade capacity building
19 that is provided to African countries, regional com-
20 munities, and intergovernmental or multinational en-
21 tities including to the AfCFTA Secretariat;

22 (6) support efforts to aid the implementation of
23 the trade policy priorities of the AfCFTA, developed
24 in coordination with continental, regional, and coun-
25 try partners in Africa; and

1 (7) facilitate market access and bilateral trade
2 between the United States and African countries.

3 **SEC. 4. UNITED STATES ROADMAP TO PROMOTE THE AFRI-**
4 **CAN CONTINENTAL FREE TRADE AREA.**

5 (a) REPORT.—

6 (1) UNITED STATES TRADE REPRESENTA-
7 TIVE.—The President shall, using existing inter-
8 agency trade policy development and coordination
9 authority and mechanisms, direct the United States
10 Trade Representative, in coordination with the Sec-
11 retary of State, the Administrator of the United
12 States Agency for International Development, and
13 the heads of other Federal agencies the President
14 determines have trade or trade-related development
15 mandates, to publish a report:

16 (A) Describing efforts to promote the
17 AfCFTA and to achieve the following goals:

18 (i) Evaluate the industries in which
19 the United States industries have a com-
20 parative advantage in Africa relative to
21 other non-African countries, and strategy
22 to promote trade and investment within
23 those industries, especially in industries ex-
24 pected to grow with the implementation of
25 the AfCFTA.

1 (ii) Evaluate the industries in which
2 the United States investments can create
3 direct and indirect jobs, and strategies to
4 sustain and enhance them in both African
5 counties and the United States, as the
6 markets grow with the AfCFTA.

7 (iii) Expand trade capacities and sup-
8 port trade-related infrastructure develop-
9 ment, and prioritize major intra-African
10 trade corridors.

11 (iv) Support the implementation and
12 success of the AfCFTA and its goals as
13 identified in consultation with African
14 counterparts at the continental, regional,
15 and country level, including by—

16 (I) advancing African regional
17 and intra-continental alignment of
18 trade-related legal and administrative
19 procedures;

20 (II) strengthening the technical
21 capacity of the AfCFTA Secretariat;
22 and

23 (III) promoting the development
24 and expansion of African regional eco-
25 nomic communities as they pertain to

1 fostering trade, including through di-
2 rect consultation and partnership with
3 the AfCFTA Secretariat.

4 (v) Improve the efficacy of United
5 States trade capacity building to support
6 AfCFTA implementation, as appropriate,
7 including by identifying duplication of or
8 incompatibility between the assistance ac-
9 tivities of other major donors (such as non-
10 governmental organizations, other govern-
11 ments, and intergovernmental organiza-
12 tions) and the policies and projects in-
13 cluded in the strategy.

14 (vi) Enable more effective and inclu-
15 sive participation of stakeholders, including
16 those representing workers, environmental
17 sustainability, African diaspora, women,
18 youth, marginalized, or underrepresented
19 groups, in the further negotiation of
20 AfCFTA subsidiary agreements, protocols,
21 or other legal texts, and the implementa-
22 tion of the AfCFTA generally.

23 (B) Providing a description of the obliga-
24 tion and expenditure of all amounts made avail-
25 able to carry out the strategy during the pre-

1 ceding 2 fiscal years, disaggregated by fiscal
2 year, account, and activity.

3 (C) Identifying successes and challenges
4 relating to the implementation of the strategy.

5 (D) Evaluating whether there has been any
6 progress made regarding achieving the quali-
7 tative and quantitative goals and metrics in-
8 cluded in the initial report pursuant to sub-
9 section (b)(5).

10 (E) Providing any updates and revisions
11 made to the criteria described in subsection
12 (b)(5) and included in the initial report.

13 (F) Updating recommendations as de-
14 scribed in subsection (b)(6).

15 (2) TIMEFRAME.—Not later than 2 years after
16 the submission of the initial report required by sub-
17 section (b), and every 2 years thereafter for 8 years,
18 the President shall submit the report to the relevant
19 congressional committees.

20 (3) PRIOR APPROVAL AND BIENNIAL UP-
21 DATES.—The report required by this subsection may
22 only be developed through prior consultation with,
23 and submitted with the approval of, the Trade Pol-
24 icy Staff Committee established pursuant to section
25 242(a) of the Trade Expansion Act of 1962 (19

1 U.S.C. 1872(a)). Such report shall also be updated
2 biennially with such prior consultation and pursuant
3 to such approval.

4 (4) CONSULTATION.—In developing the report
5 described in this subsection, the United States
6 Trade Representative shall, as appropriate and prac-
7 ticable, consult with—

8 (A) stakeholders in the United States and
9 in Africa from the private sector, civil society,
10 and African diaspora;

11 (B) relevant African Union entities such as
12 the AfCFTA Secretariat;

13 (C) State, local, and Tribal governments;
14 and

15 (D) United States development agencies
16 and entities not represented on the Trade Pol-
17 icy Staff Committee, including the Prosper Af-
18 rica Initiative Secretariat, the Millennium Chal-
19 lenge Corporation, and the United States Devel-
20 opment Finance Corporation.

21 (b) INITIAL REPORT.—Not later than 270 days after
22 the date of the enactment of this Act, the President shall,
23 subject to the prior approval required under subsection
24 (a)(3), submit to the relevant congressional committees an
25 initial report that identifies a strategy to achieve the goals

1 identified in subsection (a) and an implementation plan
2 for such strategy that includes each of the following:

3 (1) The rationale, objectives, and anticipated
4 manner of implementation of the strategy.

5 (2) The anticipated role of each Federal depart-
6 ment or agency involved in implementing such strat-
7 egy, and the manner in which such departments and
8 agencies should jointly collaborate at the interagency
9 level.

10 (3) A summary of current trade capacity-build-
11 ing programs, projects, and activities of the United
12 States in support of the AfCFTA as of the date of
13 the submission of the report, and the relationships
14 between such programs, projects, and activities and
15 the objectives of the strategy.

16 (4) Any gaps, inefficiencies, or unmet needs
17 identified in the course of preparing the summary
18 described in paragraph (3).

19 (5) Qualitative and quantitative goals and
20 metrics for the implementation of the strategy, in-
21 cluding criteria to be used in monitoring and evalu-
22 ating progress toward the objectives of the strategy.

23 (6) Recommendations relating to programmatic
24 or appropriations measures that could potentially en-
25 hance the implementation of the strategy, including

1 legislative or executive policy changes for such en-
2 hanced implementation.

3 (c) FINAL REPORT.—Not later than 10 years after
4 the date of the submission of the initial report required
5 by subsection (b), the President shall submit to the rel-
6 evant congressional committees a report that assesses
7 progress over the preceding decade of the strategy. Such
8 report shall also include each of the following:

9 (1) An assessment of the progress made in the
10 implementation of the roadmap over the preceding
11 decade with respect to each of the goals described in
12 subsection (a)(1), including with respect to the qual-
13 itative and quantitative goals and metrics included
14 in the initial report pursuant to subsection (b)(5)
15 and using the criteria described in such subsection
16 (b)(5).

17 (2) An assessment of the successes, challenges,
18 and effectiveness of the strategy and its implementa-
19 tion.

20 (3) Recommended legislative or executive policy
21 changes relevant to addressing any gaps, policy or
22 program shortcomings, or other outstanding chal-
23 lenges relating to the goals of the strategy, along
24 with descriptions of prospective follow-up activities
25 necessary to address such challenges.

1 (4) Recommendations relating to fostering fur-
2 ther synergies between implementation of activities,
3 as relevant and appropriate, relating to the African
4 Growth and Opportunity Act (19 U.S.C. 3701 et
5 seq.), the AfCFTA, and any other Africa-related
6 United States trade policy initiatives, including types
7 of activities and expected outcomes based on the im-
8 plementation of the roadmap.

9 (5) A detailed description of the expenditure of
10 all amounts authorized to implement the roadmap
11 throughout the 10-year period, including amounts
12 appropriated pursuant to the authorization under
13 section 5(b), disaggregated by fiscal year, account,
14 and activity.

15 (e) PUBLICATION.—Each report required by this sec-
16 tion shall be submitted in unclassified form and may in-
17 clude a classified annex. The unclassified portion of each
18 such report shall be posted on publicly available websites
19 of the Office of the United States Trade Representative.

20 **SEC. 5. U.S.-AFCFTA STRATEGIC AND INVESTMENT PART-**
21 **NERSHIP AGREEMENT.**

22 The United States Trade Representative, in consulta-
23 tion with the AfCFTA Secretariat, is authorized to iden-
24 tify initial issues with regard to which the United States,
25 the AfCFTA Secretariat, and African Governments imple-

1 menting the AfCFTA should seek to develop an ambitious
2 roadmap for enhanced cooperation, with the goal of nego-
3 tiating high-standard commitments in order to achieve
4 economically meaningful outcomes, including measures
5 with respect to the following areas, matters, and stated
6 objectives:

7 (1) MANUFACTURE AND VALUE ADDITION.—
8 Increase United States trade and investment to ex-
9 pand African regional value chains, especially as re-
10 lated to increasing manufacturing and production on
11 the continent in industries expected to grow with the
12 implementation of the AfCFTA, and with respect to
13 value-added activities related to the processing or
14 use of basic commodities produced by African coun-
15 tries.

16 (2) AGRICULTURE.—Facilitate agricultural
17 trade, enhance transparency and on the application
18 of science- and risk-based sanitary and
19 phytosanitary trade requirements and regulations,
20 and foster sustainable agricultural practices, as well
21 as creating an enabling environment for innovative
22 agricultural technologies that would help achieve
23 food security goals, increase farm productivity, im-
24 prove farmer livelihoods, while addressing climate

1 change concerns as related to United States-Africa
2 trade and investment activity.

3 (3) ANTI-CORRUPTION.—Enhance a shared
4 commitment and applied programmatic activities to
5 prevent and combat bribery and other forms of cor-
6 ruption, including sharing information on best prac-
7 tices to prevent and combat bribery and corruption,
8 and efforts to explore the negotiation of specific re-
9 lated commitments, as related to United States-Afri-
10 ca trade and investment activity.

11 (4) DIGITAL TRADE.—Foster African and joint
12 United States-Africa trade- and investment-related
13 consumer, business, and worker trust in the digital
14 economy, including by ensuring access to informa-
15 tion, promoting the development and use of resilient
16 and secure digital infrastructure, promoting competi-
17 tion and the participation of micro, small, and me-
18 dium enterprises (referred to as “MSMEs”), and ad-
19 dressing discriminatory practices, including meas-
20 ures to support digital inclusion, to include accessi-
21 bility online consumer protection, and global discus-
22 sions on emerging issues in digital trade.

23 (5) ENVIRONMENT AND CLIMATE CHANGE AC-
24 TION.—Measures to strengthen environmental pro-
25 tection and, conservation, climate change adaptation

1 and mitigation, and sustainable use and manage-
2 ment of natural resources as such issues may relate
3 to or help to foster or be advanced by United States-
4 African trade and investment activity.

5 (6) GOOD REGULATORY PRACTICES.—Explore
6 of United States-African negotiations over high-level
7 commitments on topics such as ensuring adequate
8 time for public consultations on proposed regula-
9 tions, posting proposed regulations for review by in-
10 terested stakeholders, and basing regulatory deci-
11 sions on best available information, science, and evi-
12 dence, including undertaking risk analysis and regu-
13 latory impact assessment as appropriate.

14 (7) MICRO-, SMALL- AND MEDIUM-SIZED EN-
15 TERPRISES.—Measures and approaches to integrate
16 MSMEs, including women-owned enterprises, into
17 international trade, alongside periodic technical best
18 practices exchanges and roundtables on MSMEs,
19 given the key role of successful MSME activity in
20 achieving sustained economic growth.

21 (8) PROMOTING WORKERS' RIGHTS AND PRO-
22 TECTIONS.—Joint United States-African applied col-
23 laboration to advance and protect internationally
24 recognized labor rights in Africa through enforce-
25 ment of, and compliance with, labor laws, the pro-

1 motion of social dialogue, and cooperation in other
2 areas of mutual interest on labor and employment
3 priorities, including forced labor in global supply
4 chains.

5 (9) SUPPORTING PARTICIPATION OF WOMEN,
6 YOUTH, AND OTHERS IN TRADE.—Promote economic
7 opportunities for women, youth, persons with disabili-
8 ties, other vulnerable or socioeconomically
9 marginalized populations, and the African diaspora
10 including through the development and adoption of
11 trade policies to promote and facilitate their partici-
12 pation in international trade, and to promote good
13 paying, high-quality jobs and sustainable livelihoods.

14 (10) STANDARDS COLLABORATION.—Improve
15 technical and legal standards, conformity assessment
16 procedures, and technical regulations that have a
17 significant impact on trade, including opportunities
18 to reduce impediments to trade due to differences
19 among national legal and technical systems, and
20 measures to facilitate mutual understanding among
21 governments of their peers’ respective processes for
22 the preparation, adoption, and application of tech-
23 nical regulations, standards and conformity assess-
24 ment procedures based on mutually agreed best
25 practices.

1 (11) TRADE FACILITATION AND CUSTOMS PRO-
2 CEDURES MODERNIZATION.—Increase the volume,
3 value, and velocity of goods and services traded be-
4 tween African countries by improving customs oper-
5 ations, which should include—

6 (A) measures that take into consideration
7 the profound disruption that international in-
8 fectious disease outbreaks and pandemics can
9 cause to supply chains, as demonstrated by the
10 2019 coronavirus pandemic, notably in 2020
11 and 2021, and the demonstrated benefits of
12 streamlining border procedures and accelerating
13 World Trade Organization Trade Facilitation
14 Agreement implementation for trade in goods in
15 order to better address such challenges, notably
16 in Africa;

17 (B) providing support for increased auto-
18 mation or online processing of customs and
19 cross-border trade-related tasks; and

20 (C) supporting efforts—

21 (i) to ensure adequate access to reli-
22 able electrical power supplies and internet
23 to foster digitalization of trade or trade-re-
24 lated regulatory compliance where nec-

1 essary, such as at border posts that admin-
2 ister trade flows; and

3 (ii) to provide paper-based, or other
4 applicable technical alternatives at border
5 crossings where electricity or internet ac-
6 cess is unreliable or unavailable, including
7 in coordination with the United States
8 Power Africa or Prosper Africa initiatives
9 where applicable.

10 (12) INTELLECTUAL PROPERTY.—Strengthen
11 African Governments intellectual property legal
12 frameworks by enhancing cooperation to boost inno-
13 vation, research, and development, propel technology
14 advancement, promote creativity, attract invest-
15 ments, and harmonize national laws and regulations
16 toward such ends, including through the use of
17 international intellectual property agreements or
18 treaties.

19 **SEC. 6. AFCFTA TRADE CAPACITY BUILDING PROGRAM.**

20 (a) TRADE CAPACITY BUILDING IMPLEMENTA-
21 TION.—The Administrator of the United States Agency
22 for International Development shall establish an AfCFTA
23 Trade Capacity Building Program to support the imple-
24 mentation of the strategy required by section 4 through
25 existing authorities granted by the Foreign Assistance Act

1 of 1961 (22 U.S.C. 2151 et seq.), in collaboration with
2 continental, regional, and country partners including the
3 civil society and private sector in Africa. In carrying out
4 such Program, the Administrator—

5 (1) may designate the Prosper Africa Initiative
6 to administer the AfCFTA Trade Capacity Building
7 Program;

8 (2) shall consult with the United States Trade
9 Representative in making programmatic decisions;
10 and

11 (3) shall receive approval from the Trade Policy
12 Staff Committee established pursuant to section
13 242(a) of the Trade Expansion Act of 1962 (19
14 U.S.C. 1872(a)) for all planned activities for which
15 funds are to be made available (including any trans-
16 fers to other Federal departments, agencies, or enti-
17 ties).

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated \$50,000,000 for each of fis-
20 cal years 2025 through 2034 for the United States Agency
21 for International Development to carry out the AfCFTA
22 Trade Capacity Building Program described in subsection
23 (a). Amounts so authorized—

24 (1) shall be in addition to amounts otherwise
25 authorized for existing trade, investment, or eco-

1 nomic growth-related projects, programs, and activi-
2 ties that support the goals of such Program;

3 (2) may be made available for consulting or
4 technical services, equipment, new personnel, or
5 other project-related administrative expenses associ-
6 ated with the development, implementation, and re-
7 porting requirements of the President's strategy re-
8 quired by section 4(a); and

9 (3) are authorized to be transferred as nec-
10 essary to carry out the objectives of this Act from
11 the United States Agency for International Develop-
12 ment to other Federal departments or agencies with
13 a role in implementing the strategy required by sec-
14 tion 4(a), to the extent provided in advance by ap-
15 propriations Acts.

16 **SEC. 7. RULE OF CONSTRUCTION.**

17 Nothing in this Act may be construed to—

18 (1) limit any authority or responsibility of the
19 United States Trade Representative relating to the
20 establishment or implementation of the trade policies
21 of the United States (including under section 141 of
22 the Trade Act of 1974 (19 U.S.C. 2171)); or

23 (2) any such authority or responsibility to the
24 Administrator of the United States Agency for
25 International Development.

1 **SEC. 8. DEFINITIONS.**

2 In this Act:

3 (1) AfCFTA.—The term “AfCFTA” means the
4 African Continental Free Trade Area authorized to
5 be created under the Agreement Establishing the Af-
6 rican Continental Free Trade Area, adopted by its
7 African Union signatories in Kigali, Rwanda, on
8 March 21, 2018.

9 (2) AFRICAN DIASPORA.—The term “African
10 diaspora” means “consisting of people of African or-
11 igin living outside the continent, irrespective of their
12 citizenship and nationality and who are willing to
13 contribute to the development of the continent and
14 the building of the African Union” as defined by the
15 African Union.

16 (3) AFRICAN REGIONAL ECONOMIC COMMU-
17 NITIES.—The term “Africa Regional Economic Com-
18 munities” means various economic and political or-
19 ganizations in Africa established to promote regional
20 integration, cooperation, and development among
21 states. These communities include entities such as
22 the African Union (AU, Economic community of
23 West Africa States (ECOWAS), East African Com-
24 munity (EAC), Southern African Development Com-
25 munity (SADC), and others.

1 (4) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term “relevant congressional commit-
3 tees” means the following:

4 (A) The Committee on Foreign Affairs, the
5 Committee on Ways and Means, and the Com-
6 mittee on Appropriations of the House of Rep-
7 resentatives.

8 (B) The Committee on Foreign Relations,
9 the Committee on Finance, and the Committee
10 on Appropriations of the Senate.

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